

REMARKS

In the November 15, 2005 Office Action, the Examiner noted that claims 1-56 were pending in the application; withdrew claims 19-56 as directed to a non-elected invention; objected to claims 8-9; and rejected claims 1-18 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 6,188,752 to Lesley; 5,991,748 to Taskett (References A and C, respectively, in the March 25, 2005 Office Action); and 5,825,863 to Walker (Reference A in the November 15, 2005 Office Action) were cited. Claims 19-56 have been canceled and thus, claims 1-18 remain in the case. The rejections are traversed below.

Objection to Claims 8-9

In item 2 on page 2 of the Office Action, the Examiner objected to claims 8 and 9 due to "improper dependency." Claim 8 has been amended to depend from claim 7. Therefore, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

In item 4 on pages 2-3 of the Office Action, claims 1-6 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lesley in view of Walker. In making this rejection, it was acknowledged that Lesley does not "disclose whether the additional fund is withdrawn or debited from the other account in real-time" (Office Action, page 3, lines 13-14). Walker was cited as suggesting "a prepaid calling card account having a linked credit account that continuously recharge[s] the prepaid account" (Office Action, page 3, lines 14-15), although nothing specific was cited indicating where Walker disclosed real-time processing of crediting and debiting.

Like Lesley, Walker only teaches "enabling prepayment of telephone call charges" (Walker, Abstract, lines 2-3). The independent claims have been amended to recite that real-time recharging is used for more than telephone calls as disclosed in Walker and Lesley. Specifically by reciting "adding the additional funds to the pre-authorized account used in paying for at least one communication service or transaction provided or consummated, respectively via at least one of the networks of different types which are external to the platform" (claim 1, last 4 lines, with similar words in the other independent claims). Neither Lesley nor Walker teach or suggest any network, other than the public switched telephone network (PSTN) for providing any service other than telephone calls. In particular there is no suggestion in Lesley or Walker of "networks of different types which are external to the platform" like LAN/WAN 57 illustrated in Fig. 2 or Internet (IP) network 200 illustrated in Figs. 27 and 28 of the application. Furthermore, there is no suggestion of providing "transactions" using such networks, as discussed in

paragraphs [0008]; [0036]; and [0080], and particularly "online transactions" as discussed in paragraph [0087] of the application.

For the above reasons, it is submitted that claims 1-6 and 17 patentably distinguish over Lesley in view of Walker.

In item 5 on pages 4-9 of the Office Action, the Examiner rejected claims 7-16 and 18 under 35 U.S.C. § 103(a) as unpatentable over Lesley in view of Taskett and further in view of Walker. The November 15, 2005 Office Action did not rebut the following arguments in the Amendment filed August 24, 2005: What is described at column 5, lines 29-51 and column 6, lines 18-35 of Taskett is only that "funds are deducted or withdrawn from transaction instrument 205 and transferred to calling card 105 without entering information relating to the funds source" (column 5, lines 36-39), where the transaction instrument is defined as "a prepaid card, a debit card, an American Express™ credit card, or other credit card" (column 6, lines 26-28). Taskett merely discloses storing the credit or debit account number in database 310 (Fig. 3), so that the user doesn't have to enter the information. How the transaction would be accomplished, i.e., "consummated," is not disclosed. The system illustrated in Fig. 3 of Taskett is only capable of completing a call from calling party module 306 to destination 312. No connection to any funds transfer network is disclosed in Lesley, Taskett or Walker.

Even if Walker suggests performing real-time transfer of funds, it is non-enabling as to how that could be accomplished. It is submitted that additional evidence must be cited showing that one of ordinary skill in the art would have known, at the time of filing the great-grandparent application, Serial No. 09/395,868 on September 14, 1999 and its priority provisional applications 60/100,440 and 60/100,470 on September 15, 1998, how to send "a request from a first platform to a second platform to obtain the additional funds from another account associated with the user and disposed on the second platform" (claim 7, lines 7-9).

Similarly, nothing has been cited or found in Taskett teaching "another account on another platform from which the additional funds are to be obtained" (claim 10, lines 9-10); sending "a replenishment message outside of the system to another account associated with the user and disposed on a platform external to the system" (claim 11, lines 16-17); "a processor that ... sends a top up request outside of the platform" (claim 13, lines 8-10), "wherein the platform is outside of the plurality of external networks of different types, and the account being topped up is stored on a billing platform other than another platform on which the other account is stored" (claim 13, lines 13-16); or receiving "an additional amount in a real-time transaction from an

another account ... stored on a platform other than the platform having the storage unit" (claim 15, last 5 lines).

For the above reasons, it is submitted that claims 7, 10, 11, 13 and 15, as well as claims 8, 9, 12, 16 and 18 which depend therefrom, patentably distinguish over Lesley in view of Taskett and further in view of Walker.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not reach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-18 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5/15/06

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5/15/2006
STAAS & HALSEY
By: Richard A. Gollhofer
Date: 5/15/06